

**RULES
OF
THE UNIVERSITY OF TENNESSEE**

**CHAPTER 1720-4-3
STUDENT RIGHTS AND RESPONSIBILITIES**

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1720-4-3-.01 INTRODUCTION.

- (1) The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. This University has a duty to develop policies and procedures which provide a safeguard to this freedom. Such policies and procedures are developed at this institution with the participation of all members of the academic community.
- (2) By registering in the University, the student neither loses the rights nor escapes the duties of a citizen. Each student should conduct his/her personal life in the context of mutual regard for the rights and privileges of others. Therefore, it is expected that students will demonstrate respect for the law and for the necessity of orderly conduct in the affairs of the community.
- (3) Students are responsible for being fully acquainted with the University catalog, handbook, and other regulations relating to students and for complying with them in the interest of an orderly and productive community. Failure or refusal to comply with the rules and policies established by the University may subject the offender to disciplinary action up to and including permanent dismissal from the University.

Authority: *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed March 29, 1978; effective June 14, 1978. Repealed by Public Chapter 575, effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.

1720-4-3-.02 DISCIPLINARY REGULATIONS AND PROCEDURES. The policies and procedures described below have been established to insure the rights and privileges of all members of the University community, to communicate the expectations of the community to its members, and to provide a basis for orderly conduct of the affairs of the University.

Authority: *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. Administrative History:* Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 30, 1995.

1720-4-3-.03 STANDARDS OF CONDUCT.

- (1) Exclusion from the University or any lesser penalty may be the result from any of the following misconduct:
 - (a) Academic cheating or plagiarism;
 - (b) Furnishing false information to the University with the intent to deceive;
 - (c) Knowingly giving false information or testimony during the investigation or hearing of a disciplinary matter;
 - (d) Violation of the terms of probation;
 - (e) Vandalism, malicious destruction, damage, or misuse of private or public property, including library material;
 - (f) Forgery, alteration, destruction or misuse of University documents, records or identification;
 - (g) Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other University activities, including public service functions, or of any authorized activities on University premises;
 - (h) Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.
 - (i) Theft, wrongful appropriation (i.e., theft with intent to temporarily deprive the owner of possession), unauthorized possession, or sale or damage to property of the University or of any organization affiliated with the University or of another member of the University community (i.e., faculty, staff, student, or campus visitor);
 - (j) Unauthorized use of or entry to University facilities and/or unauthorized possession of keys to University facilities;
 - (k) Unlawful use, manufacture, possession, distribution or dispensing of drugs or alcohol on University-owned or-controlled property or during University activities.
 - (l) Reserved.
 - (m) Possession, while on University-owned or -controlled property or at University-sponsored or –supervised activities, of any weapon such as, but not limited to, rifles, shotguns, ammunition, handguns, and air guns, including explosives, such as firecrackers unless authorized in writing by the Chief of Police;
 - (n) Disorderly conduct or lewd, indecent, or obscene conduct on University-owned or –controlled property or at University-sponsored or -supervised functions;
 - (o) Failure to pay promptly, after notice, all University bills, accounts, and other University financial obligations;
 - (p) Participation of students in group activities on or adjacent to the campus which causes damages to public or private property, causes injuries to persons, or interferes with the orderly functioning of the University or the normal flow of traffic;

(Rule 1720-4-3-.03, continued)

- (q) Use, possession, or being under the influence of alcoholic beverages on University-owned or –controlled property;
- (r) Violation of properly constituted rules and regulations governing the use of motor vehicles on University-owned or -controlled property;
- (s) Refusal to respond to a request to report to a University administrative office;
- (t) Failure to comply with directives of the University officials acting in the performance of their duty;
- (u) Violation of written University policies and regulations as stipulated herein or as promulgated and announced by authorized personnel;
- (v) Inciting other students to violate written University policies and regulations as promulgated and announced by authorized personnel;
- (w) Falsely reporting the presence of an unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the University or a scheduled event sponsored by the University;
- (x) Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment except when done with real need for such equipment;
- (y) Willful failure to appear at a judicial board hearing following proper notification to appear either as a party or as a witness;
- (z) An attempt to commit or to be accessory to the commission of any act in violation of other Standards of Conduct;
- (aa) Commission of an act or an attempt to commit an act on University property or involving members of the University community (i.e., faculty, staff, student, or campus visitor) that would be in violation of state or federal law;
- (bb) Unauthorized use or misuse of the University’s computing facilities to include: logging on an account without the knowledge and permission of the owner; changing, deleting or adding to the programs, files and/or data without authorization of the owner; theft of program data or machine resources; attempts to thwart security of the computer system; attempts to disrupt the normal operations of the computer system, including hardware and software;
- (cc) Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University’s normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson or any other felonious crime against person or property.
- (dd) Participation of students in hazing activities. “Hazing” means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful,

(Rule 1720-4-3-.03, continued)

insulting, or humiliating nature. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.

Authority: T.C.A. §49-7-123. **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 20, 1990; effective February 27, 1991. Amendment filed September 3, 1992; effective December 29, 1992. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed June 18, 1996; effective October 28, 1996.

1720-4-3-.04 FUNDAMENTAL RIGHTS OF THE ACCUSED.

- (1) Under The University of Tennessee Judicial System, persons accused of violations of existing rules and/or regulations of the residence halls, food services, the Interfraternity Council, the Panhellenic Council, and The University of Tennessee are entitled to the following rights:
 - (a) Written notice of charge(s), account of the alleged misconduct, witnesses, and notice of the scheduled hearing delivered 72 hours before the hearing. The student may request additional time by showing good cause.
 - (b) The right to a public hearing. A public hearing can involve only a limited number of spectators and appropriate control measures will be established by the Dean of Students. If there is difficulty with crowd control, the hearing board chairperson can designate those parties to be present.
 - (c) Notice of the maximum allowable penalty (i.e., permanent dismissal).
 - (d) The assistance of the counsel of his/her choice.
 - (e) Testify or remain silent at his/her option.
 - (f) Present witnesses.
 - (g) The presumption of innocence. The burden of proof rests with the University, such that the University must prove the student's guilt by a preponderance of the evidence.
 - (h) A written decision specifying the rule violated, penalty assessed, and right of appeal.
 - (i) Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.
 - (j) Have his/her case heard only on the misconduct specified in the written notice.
 - (k) Challenge the admissibility of evidence.
 - (l) Remain silent or confront or cross-examine all available adverse witnesses.
 - (m) Appeal to the next higher board.

Authority: Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.

1720-4-3-.05 INSPECTION AND SEARCH POLICY.

- (1) Entry by University authorities into occupied rooms in residence halls will be divided into three categories; inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state or federal law. An emergency situation exists when the delay necessary to obtain a search authorization constitutes a danger to person, property, or the building itself.
- (a) Inspection: Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings. This policy is applicable for residence halls and fraternity houses.
- (b) Search: On-campus authorities will not enter a room for purposes of search without permission from the resident(s) or prior permission from (1) Dean of Students, (2) the Vice Provost for Student Affairs, or (3) Designee of Dean of Students or Vice Provost for Student Affairs, unless in compliance with federal or state law.
- (c) Procedure for Search in Residence Hall Rooms: A request for permission to search may be made by the Hall Director, Assistant Hall Director, or their superiors when reasonable cause exists to suspect that a violation is occurring or has occurred. If permission to search is verbally authorized, it must be verified in writing to the occupant(s) of the facility searched by the hall staff members requesting the search. A copy of the authorization form is presented to the occupant(s) or left in the room if the occupant(s) is absent. The authorization form shall contain the following:
1. Description of the place to be searched;
 2. Name of the person authorizing the search;
 3. Description of the item(s) sought; and
 4. Name of the person requesting the search authorization.
- (d) Procedure for Search in Fraternity Houses: For purposes of search, the fraternity house will be divided into open and closed areas. The closed areas will be the dorm section and chapter room. University authorities may enter the open areas for purpose of inspection or search without permission, but there will be no search of personal belongings or closed areas of the house. University authorities will not enter the closed areas without the written permission of the
1. The Dean of Students,
 2. The Vice Provost for Student Affairs, or
 3. Their designees, or in compliance with federal or state laws.
- (c) Resident Complaint: should a resident believe that a University staff member has misused or abused his/her authority to inspect his/her room, the resident should file a complaint. He/she may prepare a written statement for review by the Judicial Advisory Board. The statement should be delivered to the Office of the Dean of Students. Or, if he/she prefers, the resident may state his/her complaint to an Area Coordinator or to a staff member of the Dean of Students Office. The complaint will then be investigated, appropriate action

(Rule 1720-4-3-.05, continued)

will be taken, and the student will be informed in writing of the results of the investigation.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.06 REQUESTS TO REPORT TO AN ADMINISTRATIVE OFFICE. Such requests, including a summons to any judicial hearing, must be promptly carried out. When the request to report at a specific date conflicts with a student's schedule, notification of class absence for such person will be issued by the Dean of Students or his/her designee.

Authority: Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 30, 1995.

1720-4-3-.07 ADMINISTRATIVE PROCEDURES.

- (1) Residence Hall Regulations. Initially, violations of residence hall regulations will be handled by the Hall Director of the appropriate residence hall. Based upon the nature of the alleged violations and the past conduct of the accused, the Hall Director shall determine if the Hall Director Option is appropriate or refer the case to the Dean of Students. If the Hall Director Option is deemed appropriate, it will be administered as follows:
 - (a) The accused student will be notified in writing;
 1. That he/she is suspected of an alleged violation;
 2. Of circumstances of the violation;
 3. Of his/her rights under the judicial system;
 4. Of his/her rights to have his/her case heard by a student disciplinary board;
 5. That the Hall Director Option does not include imposition of a penalty; and
 6. That acceptance of the Hall Director Option constitutes an admission of guilt which may be introduced at any subsequent disciplinary hearing.
 - (b) If the student accepts the Hall Director Option he/she shall reply, in writing.
 1. Acknowledging his/her participation in the alleged offense;
 2. Waiving his/her right to a hearing before the Student Disciplinary Board; and
 3. Waiving a right to appeal the administrative decision.
 - (c) If the student requests that his/her case be heard by a Student Disciplinary Board, the case shall be referred to the Dean of Students for action in accordance with violations of Standards of Conduct.
- (2) Standards of Conduct. When allegations of individual misconduct are referred to the Dean of Students, the student will be scheduled for a conference. In the event that the student wishes to waive his/her right to a hearing before the Student Disciplinary Board and have his/her case

(Rule 1720-4-3-.07, continued)

determined administratively, he/she may request the Dean of Students to assume jurisdiction. If the Dean accepts jurisdiction, he/she may, after determining that a violation was committed, impose an appropriate penalty. Once a student has been informed of his/her rights and has voluntarily waived, in writing, his/her right to a hearing before the board, the action of the Dean of Students shall be final, except in cases of indefinite suspension or permanent dismissal which may be appealed to the Student Affairs Council. If the matter is not resolved by the conference, the Dean of Students shall refer it to an appropriate board.

Authority: *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. Administrative History:* Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.

1720-4-3-.08 THE HEARING BOARDS.

- (1) Interfraternity Council Judicial Board.
 - (a) This board has primary jurisdiction in cases in which a fraternity, fraternities, or fraternity members having allegedly violated the IFC rules, Constitution, or By-Laws or University Standards of Conduct. Following a hearing, the board shall determine guilt or innocence and decide upon an appropriate penalty. Appeals of these decisions are to the Student Tribunal and must be made in writing within seven (7) calendar days of notice of decision.
 - (b) An individual(s) alleged to have violated a University Standard of Conduct will be referred to the Dean of Students for appropriate action. The Dean of Students, who will decide all jurisdictional questions, may assign jurisdiction over cases of individual discipline to the IFC Judicial Board. In such cases the board will operate under the procedures established for the Student Disciplinary Boards. Appeals from these decisions are to Student Disciplinary Boards and must be filed with the Dean of Students in accordance with the requirements of "Appeal and Scope of Review" (below).
 - (c) Students serving as members of the Interfraternity Council Judicial Board must be active members of fraternities, in good standing during their terms of office. Guidelines for appointing, replacing and removing board members will be suggested by the Interfraternity Council to the Dean of Students for approval. Members of this board will be required to participate in training seminars scheduled by the Dean of Students.
- (2) Panhellenic Judicial Board: This board has primary jurisdiction in cases in which a sorority, sororities, or sorority members have allegedly violated the Panhellenic rules, Constitution, or By-Laws, or University Standards of Conduct. Appeals of these decisions are to the Student Tribunal and must be made in writing within seven (7) calendar days of notice of decision. Additionally, the Dean of Students may assign jurisdiction over cases of individual discipline to the Panhellenic Judicial Board. In such cases the board will operate under the procedures established for the Student Disciplinary Boards. Appeals of such decisions are to Student Disciplinary Boards and must be filed with the Dean of Students in accordance with the requirements of "Appeal and Scope of Review" (below).
- (3) Student Publications Board: If, in the opinion of either the Manager of Student Publications or the appropriate student editor, a student staff member of a University publication has violated a standard in the Code of Ethics of the American Society of Newspaper Editors or other University regulation, and by doing so has compromised his/ her effectiveness in the position he/she holds, that student staff member may be temporarily suspended, for a period not to exceed ten (10) calendar days without financial penalty, until the Student Publications Board meets, considers, and

(Rule 1720-4-3-.08, continued)

adjudicates the alleged infraction. A finding by the Student Publications Board may be appealed by either party through the appropriate administrative channels.

(4) Student Disciplinary boards.

(a) Jurisdiction. The primary hearing boards are the Student Disciplinary Boards, each comprised of five student members. The number of boards required will be determined by the Dean of Students. These boards share a pool of 15 alternate members to be used as needed during the year. The Student Disciplinary Boards have the following responsibilities:

1. To hear allegations of student misconduct involving violations of the Standards of Conduct or residence halls or food services rules and regulations referred to the board for original jurisdiction by the Dean of Students.
2. To determine the innocence or guilt of the student charged and establish an appropriate penalty.
3. To hear individual discipline cases appealed from the Interfraternity Council Judicial Board and to make decisions appropriate with appellate responsibility.
4. Appeals from the Student Disciplinary Boards may be made to the Student Tribunal or Student Affairs Council in accordance with the procedure provided in "Appeal and Scope of Review" (below).

(b) Membership: During Spring Term, and at other times when vacancies arise, the Dean of Students shall call for applications for membership on the Student Disciplinary Boards by placing an appropriate announcement in The Daily Beacon. Members or alternates selected for membership must be sophomores or above. Undergraduate and law students must have at least a 2.0 overall grade point average. Graduate students must have at least a 3.0 grade point average in all graduate work attempted. Members and alternates of the Student Disciplinary Boards shall be screened and selected by a committee composed of the Student Discipline Specialist, a chairperson of one of the Student Disciplinary Boards, and the Dean of Students, or their representatives. No person may serve more than one academic year (not including summer school) unless he/she has been reappointed to the board by the screening committee (screening is not required for reappointment). A member may be removed from office, for cause, by the Student Affairs Council following notice and a hearing. At the first meeting in the fall, or after a vacancy in the office, the Student Discipline Specialist shall appoint a chairperson for each board. Unless reappointed, the chairperson's term ends at the first meeting in the fall. In the absence of the chairperson, one of the members shall assume the duties of the chairperson and shall conduct the hearing and rule on all motions, subject to objection from other board members.

(c) Hearing Procedures:

1. A quorum of three board members must be present in order to hear a case. A majority vote of the members present is required for all decisions of the board.
2. Any board member who cannot hear the evidence fairly and objectively for any reason is obligated to dismiss himself/herself from the case.
3. The chairperson shall ascertain that the accused has been advised of his/her rights and shall then read the statement of charges. A student who fails to appear before the Student Disciplinary Board in accordance with proper notification

(Rule 1720-4-3-.08, continued)

shall be deemed to have waived his/her rights to be present during the board's deliberation, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless prior to the time set for the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of a scheduled hearing.

4. The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.
5. The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person who fails to follow the instructions of the chairperson, after a warning, shall be referred to the Dean of Students for appropriate disciplinary action.
6. In the event that the accused pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.
7. The Dean of Students or his/her designee shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. Hearsay evidence is, however, admissible.
8. After the presentation of evidence by the Dean of Students, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the board has determined the issue of innocence or guilt.
9. During board deliberations all persons except the board members shall be excused from the hearing room. All matters upon which the decision may be based solely upon the evidence presented. No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.
10. After a determination of guilt by the board, the previous disciplinary record of the accused, if any, shall be given to the board together with the recommendation of the Dean of Students as to an appropriate penalty.
11. After the Board determines the penalty, the accused shall be advised in writing of its decision.
12. The results of the board's decision shall be kept on official University judicial forms, and such a record will be considered sufficient. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Dean of Students and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Dean of Students may prepare a summary, certified by the chairperson of the Student Disciplinary Board, or that portion of the record that has been designated by the Tribunal or Student Affairs Council as material to the appeal.

(Rule 1720-4-3-.08, continued)

13. A board member shall not discuss cases prior to or after the hearing. The information received by members of a judicial board during a case is considered strictly confidential. Violations of this confidence by any board member could result in disciplinary action.

(5) Student Tribunal

- (a) Appellate Jurisdiction: The Student Tribunal consists of seven members. It has appellate jurisdiction to review decisions of the Student Disciplinary Boards, the Panhellenic Judicial Board, and decisions of the Interfraternity Council Judicial Board in those cases concerning alleged violations of the IFC rules, Constitution, or By-Laws or violations of University Standards of Conduct by a Fraternity. Any other jurisdiction may be assigned by the Dean of Students. The forms to be used on appeal and other procedural requirements shall be established by Tribunal By-Laws. The Tribunal By-Laws must be approved by the Judicial Advisory Board and the Dean of Students.
- (b) Original Jurisdiction: The Student Tribunal has original jurisdiction in cases of conflicts between student organizations or conflicts between individuals and student organizations, cases which involve interpretation of the Student Government Constitution, cases of challenge to results of Student Government elections, and discipline cases involving charges of dishonesty in these elections. Procedures for hearing are set forth in the Tribunal By-Laws.
- (c) Membership: During Spring Term, and at other times when vacancies arise, the Dean of Students shall call for applications for membership by placing an appropriate announcement in The Daily Beacon. Members or alternates selected must be juniors or above. The minimum overall grade point average required is 2.0 for undergraduates and law students and 3.0 for graduate students. Members and alternates will be selected by a screening committee composed of the Student Discipline Specialist, the Chairperson of the Tribunal, and the Director of Student Judicial Affairs, or their representatives. Because of the basic appellate name of this board, special consideration will be given to an applicant with a legal background or previous experience on a Student Disciplinary Board. No person may serve more than one academic year (not including summer school) unless he/she has been reappointed to the board by the screening committee (screening is not required for reappointment).
- (6) Student Affairs Council. The Student Affairs Council is the hearing board for appeals from decisions of the Academic Review Boards and the Student Tribunal and for appeals filed by the Dean of Students. It is the final decision making board in the judicial system. A majority of the Student Affairs Council shall constitute a quorum for the conducting of all business.

The council is composed of the following members:

- (a) The Vice-Provost for Student Affairs, who serves as chairperson;
- (b) All the Deans of The University of Tennessee, Knoxville;
- (c) Three (3) faculty members, associate professor or above, appointed by the Faculty Senate (the initial appointments shall be staggered in terms so that one new faculty member is appointed each year after the initial appointment); and
- (d) Eight (8) student members (one of whom shall be a graduate student), appointed by the Student Government Association, for a period of one year. The council shall periodically review the status of student conduct and the judicial system and make appropriate recommendations.

(Rule 1720-4-3-.08, continued)

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.09 PENALTIES. The penalties which may be assessed and brief explanatory notes are as follows:

- (1) **Loss of Privilege.** These penalties are intended to serve as reminders of operating regulations, and are for specific periods of time. Such penalties may include loss of scholarship, stipend, right to participate in certain extracurricular activities, use of facilities, etc.
- (2) **Disciplinary Reprimand.** Disciplinary reprimands are used for minor infractions. A reprimand indicates that further violations will result in more severe disciplinary actions. Reprimands may be issued to a student orally or in written form.
- (3) **Disciplinary Probation.** Disciplinary Probation means that a student is permitted to remain in the University on a probationary status. Conviction of a similar violation during probation will result in suspension. Other conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or to participate in specified student activities. The Dean of Students and/or the Director of the Office of Probation Services, who is charged with the responsibility of supervising those on probation, may also specify the terms of probation.
- (4) **Suspension for a Specific Period of Time.** Suspension for a specific period of time is used in cases of serious misconduct or repeat offenders and means that the student is withdrawn from the University and is not eligible to apply for readmission for the designated period of time. Usually, the period of designated suspension does not exceed one year.
- (5) **Indefinite Suspension.** Indefinite suspension means that no specific date has been recommended by the board for readmission of the suspended student. This penalty is used when the prognosis of rehabilitation is uncertain and the board desires that some additional evidence of rehabilitation be presented by the student before he/she is readmitted to the University. Applications for readmission shall be considered by the Student Affairs Council.
- (6) **Permanent Dismissal.** Permanent dismissal means that a student is permanently barred from matriculating as a student on the Knoxville campus. This penalty is used when the violation of one or more of the institution's Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the institution's Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct. In cases where a board desires to impose permanent dismissal or suspension, it may be so recommended to the Dean of Students. In the event a recommendation for permanent dismissal or suspension is not approved by the Dean of Students, he may substitute any less severe penalty; if probation is substituted, it may be for a greater period than the period specified for suspension. The Dean of Students shall notify the Student Discipline Specialist when a recommendation for permanent dismissal or suspension is not approved.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.10 APPEAL AND SCOPE OF REVIEW.

- (1) Appeal. The disciplinary action of any board may be appealed to the next higher board.
 - (a) In all cases the request for appeal must be submitted in writing to the Dean of Students within seven (7) calendar days of written notice of the board decision. If the seventh day falls on a weekend or holiday, the time is extended to the next regular workday.
 - (b) If written briefs are submitted or if required by the appellate board's bylaws, they must be submitted within the same time allowed for filing a request for appeal. Under normal circumstances appeals will be heard within fourteen (14) days after they have been filed.
 - (c) All appeals (except those to the Student Affairs Council, which may elect to hear the case de novo) must be taken upon the record made before the original board.
 - (d) Pending the outcome of an appeal, the penalty specified in the original decision shall not be imposed.
- (2) Appellate Jurisdiction. The appellate jurisdiction of each judicial board is set forth as follows:
 - (a) Student Disciplinary Board. Decisions of the Interfraternity Council Judicial Board, involving individual discipline.
 - (b) Student Tribunal. Decisions of the Student Disciplinary Boards, the Panhellenic Judicial Board, and decisions of the Interfraternity Council Judicial Board in cases of alleged violation of the IFC rules, Constitution, or By-Laws or violations of University Standards of Conduct by a Fraternity. If a student appeals a professorial penalty for alleged academic dishonesty to an Academic Review Board, and the board supports the instructor, the student may make an appeal based on procedural due process to Student Tribunal.
 - (c) Student Affairs Council. Decisions of Student Tribunal, Decisions of Academic Review Boards, except a Board's decision to support the instructor in a student's appeal of a professorial penalty. Appeals by the Dean of Students of any board's decision.
 - (d) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Provost and the President.
- (3) Scope of Review. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:
 - (a) Appropriateness of the Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty is shown to be "clearly unreasonable" (i.e., "that which has been clearly and fully proven to have no sound basis or justification in reason").
 - (b) New Evidence. In cases appealed on grounds of new evidence, the moving party must show that such evidence is material to the decision of the board on the issue of innocence or guilt, and that said evidence could not have been discovered by due diligence prior to the original hearing.
 - (c) Due Process. In cases appealed on the grounds of denial of due process, the moving party must show that the adjudicatory process of the initial hearing was not conducted in conformity with properly prescribed procedures. In this regard, the moving party must also show that the alleged discrepancy was materially adverse to the moving party's

(Rule 1720-4-3-.10, continued)

interest. Nothing contained in the foregoing shall be construed as limiting the right of the Dean of Students to request the Student Affairs Council to review the decision of any judicial board.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.11 HONOR STATEMENT.

- (1) An essential feature of The University of Tennessee, Knoxville is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. As a student of the University, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity.
- (2) A thorough understanding of the Honor Statement is essential to the success of the honor system. To facilitate implementation of the statement, the following avenues will be utilized:
- (3) Implementation
 - (a) The Honor Statement, with its attendant pledge, will appear on applications for admission (undergraduate and graduate); and applicants to the University will be required to acknowledge their affirmation by signing the document in a designated location.
 - (b) Information regarding the Honor Statement will be included in the catalogs (undergraduate and graduate), Hilltopics: The Student Handbook, and in a brochure specifically addressing the Honor Statement at UT.
 - (c) The Honor Statement will be discussed during freshman, transfer, graduate student, and international student orientation programs.
 - (d) A thorough discussion of the Honor Statement in freshmen English is encouraged.
 - (e) Implementation methods and alternatives will be discussed during faculty orientation programs.
- (4) Responsibilities
 - (a) All groups within the University community have responsibilities associated with the Honor Statement. These responsibilities are unique to each sector of the university community.
 - (b) Each student is responsible for his/her own personal integrity in academic life. While there is no affirmative duty to report the academic dishonesty of another, each student, given the dictates of his/her own conscience, may choose to act on any violation of the Honor Statement. Each student is responsible for knowing the terms and conditions of the Honor Statement and may acknowledge his/her adherence to the Honor Statement by writing "Pledged" and signing each graded class assignment and examination.
 - (c) Students shall not plagiarize. Plagiarism is using the intellectual property or product of someone else without giving proper credit. The undocumented use of someone else's words or ideas in any medium of communication (unless such information is recognized as common knowledge) is a serious offense, subject to disciplinary action that may include failure in a course and/or dismissal from the university.

(Rule 1720-4-3-.11, continued)

- (d) Specific examples of plagiarism are:
 - 1. Using without proper documentation (quotation marks and a citation) written or spoken words, phrases, or sentences from any source;
 - 2. Summarizing without proper documentation (usually a citation) ideas from another source (unless such information is recognized as common knowledge);
 - 3. Borrowing facts, statistics, graphs, pictorial representations, or phrases without acknowledging the source (unless such information is recognized as common knowledge);
 - 4. Collaborating on a graded assignment without the instructor's approval;
 - 5. Submitting work, either in whole or in part, created by a professional service and used without attribution (e.g., paper, speech, bibliography, or photograph).

Authority: *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. Administrative History:* Original rule filed January 13, 1999; effective May 31, 1999.

1720-4-3-.12 STUDENT ACADEMIC CONDUCT.

- (1) Academic integrity is a responsibility of all members of the academic community. In a university as large and complex as The University of Tennessee, a system to monitor, supervise, and guarantee the essentials of academic integrity is necessary. To implement such a system an Academic Review Board has been created for each of the following academic units:
 - (a) Graduate School
 - (b) College of Agriculture
 - (c) School of Architecture
 - (d) College of Business Administration
 - (e) College of Communications
 - (f) College of Education
 - (g) College of Engineering
 - (h) College of Human Ecology
 - (i) College of Law
 - (j) College of Liberal Arts (includes Social Work and Air and Army ROTC)
 - (k) College of Nursing.
 - (l) College of Veterinary Medicine
 - (m) College of Social Work.

(Rule 1720-4-3-.12, continued)

(2) Academic Review Boards.

- (a) Jurisdiction. A case of alleged academic dishonesty or a student's appeal of a professorial penalty shall be assigned to the Academic Review Board of the academic unit in which the instructor involved is a member. Each board shall have jurisdiction in the following areas:
1. Academic Dishonesty. To hear charges of alleged violation of Standard of Conduct 1., "academic cheating or plagiarism." (Academic units may adopt additional standards of academic conduct with the approval of the unit head and faculty). Jurisdiction may include cases of academic dishonesty which involve violations of other Standards of Conduct, but such cases shall initially be referred to the Dean of Students Office for determination of appropriate jurisdiction.
 2. Student Appeal. To hear appeals by students against whom a penalty has been assessed by an instructor for alleged academic misconduct.
 3. Review and Recommendation. At least annually, representatives of the Academic Review Boards shall meet and review the status of academic integrity on The University of Tennessee, Knoxville campus. The results of the review together with any recommendations shall be forwarded to the Student Affairs Council and Faculty Senate for appropriate action.
- (b) Membership. The Academic Review Board of each academic unit shall consist of three faculty members and three students selected from the unit's membership by the administrative head of that academic unit. Alternative methods of selection of the three faculty members and the three students may be adopted by an individual academic unit with the approval of the administrative head of that unit. Also, under extenuating circumstances, an academic unit may recommend for approval by the Student Affairs Council, a board composition which differs from that prescribed above.
1. A quorum shall consist of six members. The academic unit shall make provision for alternates to insure the availability of a quorum.
 2. Chairperson. In order to establish continuity among the various review boards and to incur the maintenance of procedural due process, a member of the Dean of Students staff shall serve as the non-voting chairperson of each of the Academic Review Boards. His/her responsibilities shall include the scheduling of meetings, notification of parties and witnesses, and reporting regularly to the Student Affairs Council, the activities of the Academic Review Boards.
- (c) Decisions. All decisions shall be by a two-thirds vote.

(3) Instructor's Responsibilities:

- (a) Academic Dishonesty. Student classroom conduct, including academic dishonesty, is the immediate responsibility of the instructor. He/she has full authority to suspend a student from his/her class, to assign an "F" in an exercise or examination, or to assign an "F" in the course. In addition to or prior to establishing a penalty, the instructor may refer the case to an Academic Review Board by notifying the administrative head of his/her academic unit and the Dean of Students, which shall prepare and present the case to the appropriate Academic Review Board. In all cases involving suspension of a student from his/her class, the student must be provided a hearing, as hereinafter described, prior to the effective date of such suspension.

(Rule 1720-4-3-.12, continued)

- (b) Notification. An instructor shall notify, in writing, countersigned by the department head, any student to whom a penalty is assigned, pointing out to the student the penalty and the route of appeal. Copies shall go to the Dean of Students, the administrative head of the instructor's academic unit, and where different, the head of the academic unit in which the student is enrolled.
- (4) Appeal of Professorial Penalty.
 - (a) Initial Discussions. Initially, a student shall discuss the penalty with the instructor involved and, if necessary, the department head. (When no Department exist within the academic unit, the administrative head may appoint an individual to fulfill this responsibility). If the student is unable to resolve the penalty with the instructor and department head, he/she may appeal said penalty to the Academic Review Board by notifying the Dean of Students within seven calendar days of receipt of written notice of the penalty from the instructor.
 - (b) Student Appeal Statement. An appeal by a student to an Academic Review Board must be in writing. It is the responsibility of the student to make a complete and thorough case for the appeal to the board. This is particularly important because of the procedure which allows the Academic Review Board to make a determination based on documentary evidence without providing the student an opportunity to make an oral presentation. The appeal statement should contain the following information:
 - 1. Name the person your appeal is against, what class (if any) is involved, and when and where the problem took place.
 - 2. What is your complaint? In what way were you aggrieved, harmed, injured or denied your rights? (Example: unjust allegation of academic dishonesty).
 - 3. Give specifics of the problem. A mere statement like, "I did not cheat, misuse material, etc. " is not sufficient. State why you feel the penalty is improper or unfair.
 - 4. Verification: What papers, exams, reports, etc., exist which verify your statements? Is there anyone (another student, advisor, etc.) who can verify the facts?
 - 5. History: What have you done to solve the problem? Have you talked to the person with whom you have the problem? Who else have you talked to or attempted to talk to? When?
 - 6. Remedy: What solution do you want to your appeal?
 - 7. Identification: Give your name, address, telephone number, and student identification number. Sign the appeal statement.
 - (c) Hearing.
 - 1. Procedure. The procedure for this type of hearing shall be established by the Academic Review Board with the approval of the Student Affairs Council. The procedure adopted shall provide necessary safeguards to insure that fundamental fairness is extended both to the student and the instructor involved. The hearing procedure shall also provide for a two step process as follows:

(Rule 1720-4-3-.12, continued)

- (i) Step One. The Academic Review Board shall review all written documentation and, if necessary, conduct a preliminary investigation to determine if a full evidentiary hearing by the board is necessary.
- (ii) Step Two. If a formal hearing is approved by the Academic Review Board, the procedure for that hearing shall include the right to counsel, the right to cross examination, the right to a closed hearing, the right to challenge members of the board for cause, and right to receive a written decision of the board.

2. Decision and Right of Appeal.

- (i) Supporting Penalty. If the board supports the determination made by the instructor, the case is terminated. However, an appeal based upon procedural due process may be made to the Student Tribunal in accordance with its prescribed procedure.
- (ii) Not Supporting Penalty. If the board makes findings and recommendations at variance with the determination of the instructor, these recommendations shall be forwarded to the instructor, and to the administrative head of the academic unit.

(I) Instructor Accepts Recommendation. If the instructor accepts the recommendations of the board, the case is terminated.

(II) Instructor Does Not Accept Recommendation. If the instructor elects not to follow the recommendation of the Academic Review Board, the student may appeal the penalty to the Student Affairs Council by notifying the Office of the Dean of Students.

I. Student Affairs Council. If the Student Affairs Council supports the determination of the instructor, the case is terminated.

II. Provost. Any other recommendations of the Student Affairs Council will be forwarded to the Provost for final adjudication (when a case involves a graduate student, it shall be forwarded to the Dean of the Graduate School and the Provost for final adjudication).

III. The results of the appeal shall be forwarded by the Dean of Students to the administrative head of all academic units involved.

(5) Academic Dishonesty Cases.

- (a) Procedure. The procedure for adjudication of alleged acts of academic dishonesty by the Academic Review Board shall be in accordance with the rules governing other violations of University Standards of Conduct.
- (b) Appeal. An appeal of a decision of the Academic Review Board concerning alleged academic dishonesty is to the Student Affairs Council and shall be conducted in accordance with the appeal procedure specified in Hilltopics, XVI. The right of the

(Rule 1720-4-3-.12, continued)

University to appeal any decision of an Academic Review Board regarding alleged violations of academic dishonesty may be exercised by the head of the academic unit involved by notifying the Office of the Dean of Students.

- (6) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Provost and the President.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.11 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.13 EMERGENCY POWERS. When, in the judgment of the Student Affairs Council of The University of Tennessee, conditions are such that it is impractical for the Student Disciplinary Boards to function, the Vice Provost for Student Affairs may suspend these procedural regulations and appoint an ad hoc committee to hear disciplinary matters. Any such ad hoc committee shall follow procedures that will insure the protection of the rights of the students involved, as stated herein. Any decisions by the ad hoc committee may be appealed to the Student Affairs Council.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.12 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.14 TRAINING AND ADVISING.

- (1) Judicial Advisory Board. The Judicial Advisory Board has a primary responsibility to observe and work with all judicial bodies in consultation, training, investigation, and evaluation. The Board shall consist of the chairperson or chairperson's designated representative of the following boards: Student Tribunal, each Student Disciplinary Board, Interfraternity Council Judicial Board and the Panhellenic Judicial Board.
 - (a) The Judicial Advisory Board shall meet at the call of the Student Discipline Specialist to discuss observations, make appropriate recommendations, and receive suggestions for consideration from the Dean of Students.
 - (b) At the beginning of each term, the respective boards shall designate their representative for that term.
- (2) Training Seminars. Annually, and at such other times as is necessary, seminars on judicial and disciplinary procedures shall be conducted by the Office of the Dean of Students. All individuals serving on University judicial boards must attend these training seminars. A waiver of this regulation may be issued by the Dean of Students only for "good cause." Training seminars should commence as soon as possible following selection of new judicial board members. In addition to the Dean of Students, the Student Tribunal, the Judicial Advisory Board, the Student Discipline Specialist, and Residence Hall staff personnel will be involved in the annual seminar and in a continuing training program.

Authority: Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64. **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.13 filed January 13, 1999; effective May 31, 1999.

1720-4-3-.15 TERMINATION OF STUDENT EMPLOYEES.

- (1) General:
 - (a) The provisions of this policy statement apply to all student employees except those on college workstudy (see policy statement on termination of financial assistance.)
 - (b) The purpose of this statement is to provide procedures for the termination of student employees.
- (2) Definitions:
 - (a) Student Employee. An employee who is classified as a “student employee” by the payroll section of the Office of the Treasurer, University of Tennessee.
 - (b) Contract Employee. A student employee who has a written contract with the University providing employment for a specified period of time.
 - (c) Non-Contract Employees. All students not employed for a specified period of time, their employment being terminable at the will of either party irrespective of the quality of the performance of the other party.
 - (d) Gross Misconduct. Theft or dishonesty, gross insubordination, destruction of University property, falsification of records, acts of moral turpitude, reporting to duty under the influence of intoxicants, using or selling illicit drugs on University premises, disorderly conduct, provoking a fight, and such other similar acts involving intolerable behavior by the employee.
 - (e) Grounds for Termination of Contract Employees. Contract employees may be terminated during the term of their employment for gross misconduct or inadequate job performance.
- (3) Notice:
 - (a) Non-Contract Employees. Whenever, in the opinion of the supervisor, a non-contract employee should be terminated, he/she shall be notified in writing setting forth the date of termination. If the reason for termination involves gross misconduct, the supervisor will, prior to termination, consult with the Vice Provost having administrative responsibility for the employee.
 - (b) Contract Employees. Whenever a supervisor is of the opinion that a contract employee should be terminated, he/she shall notify the appropriate Vice Provost. The Vice Provost shall notify the employee in writing of the reasons for his/her immediate termination or suspension, as appropriate, and of his/her right to request a hearing in accordance with the Administrative Procedures Act (T.C.A. § 4-507, *et seq.*) or as hereinafter provided.
- (4) Request for a Hearing:
 - (a) Contract Employee. The request of the employee together with his/her election of an Administrative Procedures Act hearing or one under this policy statement shall be forwarded in writing within five working days to the Vice Provost having administrative responsibility for the employee.
 - 1. If the employee elects a hearing under the provisions of the Administrative Procedures Act, the Vice Provost shall forward the file to the Provost for the appointment of a hearing officer.

(Rule 1720-4-3-.15, continued)

2. If the employee elects a hearing under this policy statement, the Vice Provost shall immediately thereafter establish a three member hearing committee.
- (b) Non-Contract Employees. Non-contract employees may appeal their termination through the appropriate Dean/Director and Vice Provost to the Provost. No right to a hearing accompanies this right of appeal.
- (5) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:
 - (a) Conduct a hearing within ten working days of the employee's request for said hearing;
 - (b) Make findings of fact and recommendations to the appropriate Vice Provost;
 - (c) Notify the employee within five working days after the hearing of the committee's findings and recommendations;
 - (d) Prepare and forward as soon as it is practicable a written report of the hearing to the appropriate Vice Provost.
- (6) Hearing Procedures: Employees who are entitled to a hearing as provided above are entitled to the following procedural rights:
 - (a) A written account of the alleged misconduct or grounds for inadequate work performance;
 - (b) Reasonable notice of the time and place of the requested hearing;
 - (c) The assistance of a representative of his/her choice; if the employee requesting a hearing desires to be represented by an attorney, the appropriate Vice Provost must be notified by the employee at least three days prior to the scheduled hearing;
 - (d) To present all pertinent evidence including witnesses;
 - (e) To confront and cross-examine all adverse witnesses.
- (7) Decision and Appeal:
 - (a) Hearing Committee. The appropriate Vice Provost shall within five working days after receipt of findings and recommendations of the hearing committee notify the employee in writing of his/her decision and of the employee's right to appeal as provided by Article 5, Section 7 of the University By-Laws:

Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Provost to the President.

An employee's appeal must be submitted in writing to the Provost within ten working days after receipt of the decision.
 - (b) Administrative Procedures Act. The decision of the Provost is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that act.

(Rule 1720-4-3-.15, continued)

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 31, 1995. Amendment to Renumber rule from 1720-4-3-.14 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.16 TERMINATION OF FINANCIAL ASSISTANCE.

- (1) General:
 - (a) Coverage: The provisions of this policy apply to student financial assistance except graduate assistantships and fellowships.
 - (b) Purpose: The purpose this policy is to provide procedures for the termination of financial assistance.
- (2) Definitions:
 - (a) Athletic Grant-in-aid: A contract for financial assistance which has been approved by the Advisory Committee on Student Financial Aid and awarded in accordance with the provisions of the Constitution and By-Laws of the Southeastern Conference and the National Collegiate Athletic Association.
 - (b) Financial Aid: Assistance awarded to a student in one of the following categories: college workstudy, scholarships (including graduate), loans, and grants.
- (3) Notice:
 - (a) Athletic Grant-in-Aid.
 - 1. Whenever the Athletic Department proposes that the financial assistance be terminated within the contract period, the student shall be notified in writing by the Director of Financial Aid of the proposed termination. The notice shall contain the reasons for termination, the student's right to a hearing in accordance with the contested case provision of the Administrative Procedures Act or in accordance with the provisions hereinafter provided.
 - 2. Whenever athletic financial aid is not to be renewed at the end of the contract period, the student shall be notified of his/her right to a hearing, in accordance with the requirements of the Constitution of the National Collegiate Athletic Association, before the Financial Aid Hearing Committee.
 - (b) Financial Aid. Whenever financial aid is to be modified or terminated, the student shall be notified of the reasons for the proposed modification or termination and of the right to appeal by contacting the Director of Financial Aid. If the Director of Financial Aid is unable to amiably resolve the student's appeal, it shall proceed as follows:
 - 1. If the appeal concerns interpretation of policy, the student shall be afforded the right of further appeal through the Dean of Admissions and Records and the Vice Provost for Academic Affairs to the Provost.
 - 2. If the appeal concerns a disputed question of fact, the student shall be advised of the right to a hearing before the Financial Aid Hearing Committee or in accordance with the Administrative Procedures Act.
- (4) Request for a Hearing: The request for a hearing together with his/her election of an Administrative Procedures hearing or one under this policy shall be made in writing to the

(Rule 1720-4-3-.16, continued)

Director of Financial Aid within five (5) calendar days of receipt of the notice of proposed termination.

- (a) If the student elects a hearing under the provision of the Administrative Procedures Act, the Director of Financial Aid shall forward the file to the Provost for the appointment of a hearing officer.
 - (b) If the student elects a hearing under this policy statement, the Director of Financial Aid shall immediately forward the request for a hearing together with a copy of the complete file to the Chairperson of the Advisory Committee on Student Financial Aid.
- (5) Hearing Committee. At the beginning of each semester, the Chairperson of the advisory committee on Student Financial Aid shall appoint a hearing subcommittee of not less than three (3) persons who shall be charged with the responsibility of hearing all appeals during that semester.
- (6) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:
 - (a) Conduct a hearing within ten working days of the student's request for said hearing. When the University is not in session, the hearing shall be held as soon as reasonably possible.
 - (b) Make findings of fact and a determination as to the termination of financial aid.
 - (c) Notify the student as soon as possible of the committee's decision.
 - (d) Notify the student of his/her right to appeal, as indicated below.
- (7) Hearing Procedures: Students who are entitled to a hearing as above provided are entitled to the following procedural rights:
 - (a) A written notice of the alleged grounds for termination of financial assistance.
 - (b) To reasonable notice of the time and place of the requested hearing.
 - (c) The assistance of a representative of his/her choice. If the student requesting a hearing desires to be represented by an attorney, the University must be notified by the student at least three days prior to the scheduled hearing.
 - (e) To confront and cross-examine all adverse witnesses.
- (8) Appeal:
 - (a) Hearing Committee Decision. The student may appeal the decision of the hearing committee in accordance with Article V, Section 7 of the University By-Laws:
 - 1. Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Provost to the President.
 - 2. An appeal must be submitted in writing to the Provost within five (5) working days.

(Rule 1720-4-3-.16, continued)

- (b) Administrative Procedures Act. The decision of the Provost is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that act.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Repeal filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.15 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.

1720-4-3-.17 WITHDRAWAL OR TEMPORARY SUSPENSION DUE TO MENTAL OR PHYSICAL PROBLEMS.

- (1) When a student is unable to effectively pursue his/her academic work, or when his/her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to alcoholism, drug addiction, mental instability or other physical or psychologically incapacitating illness or condition, he/she may be withdrawn or temporarily suspended from the University as hereinafter provided.
 - (a) Withdrawal. A student may be withdrawn from the University only after an evaluation of his/her mental and physical condition by a panel of at least three persons appointed by the Vice Provost for Student Affairs. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. The committee's findings and recommendations shall be forwarded to the Vice Provost, who will notify the student in writing of his/her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Provost.
 - (b) Temporary Suspension. Whenever a student, because of his/her mental or physical condition constitutes a danger to persons or property, or when his/her behavior is disruptive to the normal educational processes of the University, he/she may be suspended from the University, for a reasonable period of time, by the Vice Provost for Student Affairs or the Dean of Students. If the University does not withdraw the student in accordance with procedures outlined above, he/she may return to the University at the end of the suspension period.
 - (c) Grades. When a student is withdrawn or temporarily suspended from the University, he/she may be assigned a grade of "W" or "I" whichever is deemed appropriate by the faculty member involved.

Authority: T.C.A. §49-9-209(e). **Administrative History:** Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.16 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.